



Town of Jericho  
Development Review Board

Town of Jericho  
Development Review Board  
Jericho Town Hall  
Thursday, March 10, 2016

**Minutes**

Members Present: Barry King, Jeff York, Stephanie Hamilton  
Members Absent: Joe Flynn  
Guests: Michelle Patrick (Zoning Administrator), Amy Richardson (Secretary)  
Public: Michele Lewis, Jamie Valyou, Wendell Farrell, Betty Keefe, William Keefe, Jamie Bullivant, Clint Calderwood, Robert Smith, Robert Macklin, Elizabeth Bernstein, Richard Bernstein, John Neal

**MEETING AGENDA**

- A request by Phylvin Acres, LLC for a boundary adjustment of approximately 15 acres (minor subdivision) at 579 Browns Trace Road. This parcel is located in the Rural Residential, Agriculture, and Forestry Zoning District.
- A request by Jamie Valyou for conditional use approval of a new camp located at 90 Milo White Road. This parcel is located in the Forestry Zoning District.
- A request by Clint Calderwood for a sketch plan review. This parcel is located at 95 Cilley Hill Road in the Agriculture Zoning District.
- Approve minutes from February 25, 2016.

Mr. King called the public meeting to order at 7:00 p.m. He read the warning. He asked the members to disclose any conflicts of interest or ex parte communication. Mr. King disclosed that he was contacted by someone about the boundary line adjustment; saying he told the person he couldn't discuss the application. Mr. King read the Interested Persons Law. The public was sworn in at 7:05 p.m.

**1. A request by Phylvin Acres, LLC for a boundary adjustment of approximately 15 acres (minor subdivision) at 579 Browns Trace Road. This parcel is located in the Rural Residential, Agriculture, and Forestry Zoning District.**

Applicant's Presentation

Mr. Grover, Grover Engineering, said the application is for a boundary line adjustment conveying 15 acres of land from Phylvin Acres to the Keating's. He indicated the lines on the plan, saying there is about 90 acres and the conveyance is roughly 15 acres. He stated there is no development proposed, it is just a boundary line adjustment. Mr. Grover said their understanding is that it will help the Keating's with the use of land for forestry practices and other uses as well. He said the original parcel does span across the Rural Residential, Agriculture and Forestry Zoning Districts.

Board Questions

Mr. King said the conveyed, or the adjusted parcel, is monumented in two corners with surveyed monuments that you were able to recover, but he also noticed there are two other corners which are monumented with a tree and a stone wall. He asked for an explanation about the surveying and how

accurate the lines are. Mr. Grover pointed out one is a stone wall corner, which makes it more of a point location. He said he was not personally involved in that survey, so he doesn't know the shape of that tree. He stated, if necessary, we could do a little more monumentation. Mr. King noted that the hemlock tree with this adjustment becomes an internal thing in the new parcel, so that is not as important. He said he was wondering about the border and the adjusted parcel and Cutlers'; adding he understands there are no new monuments or new lines here, extinguishing lines, but it is a little unusual to have no monument at a property corner. Mr. Grover clarified the location that is of concern. Mr. King agreed, saying the tree is the one that is being extinguished.

Mr. York asked if that border line goes straight now. Mr. King said it does show as a straight line. Mr. Grover agreed, saying it is a stone wall corner. Mr. King said he is not a Surveyor, saying it is fully monumented and the directions are clear, so it is not that it couldn't be recovered; it is just a little unusual to do a conveyance without the actual monument. Ms. Hamilton asked about the location of the logging road on the parcel that will be used. Mr. Grover asked if there is someone here representing the Keating's who could show that on the plan. Ms. Keefe indicated the approximate location of the logging road on the plan, noting where they need access to their property. Ms. Hamilton asked if there will be any improvements made to the road. Ms. Keefe said it will be used just for fire wood and recreation.

#### Public Comment

Mr. King explained the public comment process. Mr. Farrell said in reference to the stone wall corner, the reason there is not a monument there is that you would have to destroy the stone wall. He said his boundary is the same way at his house, saying he doesn't want to tear down the stone wall. He stated he would hate to have someone require a monument and take down the stone wall.

Ms. Bernstein stated it would be helpful to orient us by pointing out any houses or other objects that are in the area because she is lost as to where the boundaries. She said there was reference to 15 acres, then there was reference to 90 acres and she is confused about that. Mr. King asked Mr. Grover to give us some locally recognized landmarks on the plan and indicated the 15 acre and 90 acre areas. Mr. Grover did so, noting the other property owners in the area. He indicated the shape of the 15 acres and the existing 90 acres.

Ms. Bernstein asked what the swap is for the 15 acres. Mr. King stated he understands the question; responding this proposal is called a boundary line adjustment, which is a special kind of subdivision that moves acreage from one parcel to an adjacent parcel by extinguishing existing lot lines. He explained that in this case the lower center of this drawing is the proposed adjusted parcel, 15 acres; they are proposing to transfer ownership from Phylvin Acres who presently owns it to the adjacent landowners, the Keating's. He said it is getting transferred to the people who are already adjacent to it and it would extinguish the right hand and the bottom boundaries of that 15-acre trapezoid. Mr. King said that would now become part of the parcel which now belongs to the Keating's, which would now become a bigger parcel by 15 acres and the other parcel would become smaller by 15 acres. He stated there are no new owners involved in this.

Ms. Bernstein clarified they are talking about the Keating's, not the Keith's. Mr. King agreed, clarifying the parties involved in the transaction. He asked if Ms. Patrick had anything to add. Ms. Patrick added that Bob Devost, a neighbor, was interested in what was going on. She said she responded to his inquiry, letting him know that there is no development being proposed.

Mr. King closed the hearing, saying the applicant would receive a decision within 45 days, but it is usually sooner.

**2. A request by Jamie Valyou for conditional use approval of a new camp located at 90 Milo White Road. This parcel is located in the Forestry Zoning District.**

Applicant's Presentation

Mr. Valyou stated the property is located about ½ mile into the woods off of Milo White Road. He indicated the end of Milo White Road on the plan, noting this property has an existing right of way that follows dotted line up into the woods about ½ mile. He said the parcel is currently surveyed mostly in Jericho, as well as in Richmond. Mr. Valyou said he is interested in putting a cabin in this vicinity, which is at around 1400 feet in elevation. He said currently it is not being used, it is a wooded lot located in the Forestry District.

Board Questions

Mr. King asked if he is the applicant. Mr. Valyou responded that he is interested in buying the lot from the Jennings'. Mr. King asked if any of the owners are here and nobody responded. Mr. Valyou stated there is a scenic overview in this parcel, but it is not affected by the location of the cabin. He indicated the elevation mark on the plan, saying the cabin would be below that area.

Mr. King said the application mentioned that there is a dotted line right of way over the Neal property to access this property off the end of Milo White Road, asking if it is a deeded right of way that goes with the parcel. Mr. Valyou said yes it is. Mr. King clarified it is described in the deed, but there is no road per se at this time. Mr. Valyou agreed, adding it is an old logging road, but it is not 100% accurate; it would need to be followed out and surveyed. Mr. King asked how the actual right of way is described. Mr. Valyou responded it is a 30' by 1,900', just under ½ mile. Mr. King clarified it is a 30' wide right of way. Ms. Patrick noted the deed was included with the application.

Mr. York asked if the proposal is to access it with an ATV. Mr. Valyou said for now, but maybe a pickup truck sometime in the future. Mr. York asked where he is proposing parking. Mr. Valyou said currently he would propose parking at the end of Milo White Road until he is able to clear some of that right of way; once he is able to access that and get a vehicle in there, he can make a 30' wide road. He said anywhere on the right of way is sufficient to park, discussing the terrain along the right of way and possible parking area.

Mr. York asked if there are any driveways that come off the end of Milo White Road. Mr. Valyou said at the end of Milo White Road there is a different 66' right of way that has two other driveways off of that right of way, saying the Jennings' parcel would be the third driveway. He said there are three different right of ways. Ms. Patrick clarified, these two people each have a driveway off of the right of way. Mr. Valyou responded that his understanding is that this parcel, the Smith's parcel, and the Jennings' lot all have access to the end of that 66' right of way that is at the end of Milo White Road.

Mr. King clarified it is Dalem, Smith, and Jennings are the three fed by that right of way. Mr. Valyou agreed, saying his understanding also is that the Dalem's also have a different right of way off of that 66' right of way, but they share one 66' right of way at the end of Milo White Road. Mr. King asked about the location of the Dalem's actual driveway. Mr. Valyou indicated the vicinity of their driveway. Mr. York clarified the applicant's proposed parking is beyond where their driveway comes off from the shared space. Mr. Valyou agreed, indicating the location, saying it is a flat spot.

Mr. King said he has marked on the drawing what would be called a building envelope, the area which is inside the setback and the slope constraints that you have. He clarified there is a narrow strip where building is possible. Mr. Valyou said yes, that is the flattest spot on the property on this side of the ridge. He said since that is the flat spot, that is why it is the envelope. Mr. King stated you have defined a back line of that envelope, but it is not clear if that is a particular contour you are following there. He asked what the definition of the building envelope is that you are showing here. Mr. Valyou responded that is the area where the slope is less than 25%.

Mr. King clarified the 25% slope matters because there is a building standard. Mr. Valyou agreed. Mr. King clarified the 1500' contour is the one that defines the overlay. Ms. Patrick said it is the Natural Resources Overlay. Mr. King said he sees the contour 1506. Mr. Valyou said the Scenic Overview states it is the last 100' of the highest point, so the ridgetops in those areas are 1506 and follows around. Mr. King clarified he has delineated 1506, which is by definition the edge of that Scenic Overlay.

Mr. York asked about the other lines on the map. Mr. Valyou responded that they have to do with the significant natural community resource, saying it is one of the State's maps that represent certain types of trees that are in that area. Mr. King asked if we have any other information about this, noting it is from the State database. Ms. Patrick agreed, saying the Natural Resource Overlay has several definitions and this area falls into that category because of the ridgeline. She stated we interpret that as 100' less than that top ridgeline would be an area that would be okay to build in. Mr. King said as far as the significant natural community designation, that is the State overlay. Mr. Valyou agreed, noting there are no other overlays that come up through the State's website that would fall under that area.

Mr. King clarified the owner of this lot has this 30' right of way, asking if we have the documents. Ms. Patrick said they should have been sent to you. Mr. King said he is just trying to determine what rights you have in there because one of the things we have to be concerned about is construction and erosion, saying on steep slopes like this road building can be a significant issue. He said the owner of this has that right to do road building, but it doesn't say anything about the rights, other than the right of way. He stated there is a State statute for that. Mr. King said the problem is that we have this requirement, which is the reason we are holding this hearing, so we need to figure out how to protect it. He said he doesn't think it makes sense to condition that there won't be any road building because that is counter to the present state; he is trying to determine the right way to handle it.

Mr. Valyou said his understanding is that because it is on a right of way, it is not required to meet access that the Town requires for a single family residence. Mr. King agreed, saying if we don't do anything there isn't anything preventing you from building a 30' wide road in the future on that line. Ms. Patrick said there could be a condition in the decision that if you were to build this into a driveway at some point in the future, you must meet certain standards. Mr. King said it could also require further review at that time. He stated if you had a specific design for a driveway it would be good if it got reviewed for things like erosion control and drainage.

Mr. Valyou said his intention is to never put a driveway in up there. Mr. King said it would probably never come up, but that is what the DRB is asked to do is to look at that kind of issue. He said he doesn't think it will be a big problem because that is not the intent; we would just make a condition that road building would require further review.

Ms. Patrick stated the Conservation Commission did comment on the application, noting concerns about erosion and sediment control. She said part of the application, based on the slopes the DRB may require plans for erosion and sediment control. Ms. Hamilton clarified that he cannot get his truck up there currently unless it is improved. Mr. Valyou agreed. Ms. Hamilton asked to what point would he have to improve it to get a truck up there. Mr. Valyou stated he has a four-wheel drive pickup and there is an old logging road there, it certainly is not like a driveway that you could drive up; it needs some work to get a truck up there. He said it hasn't been maintained, it's all wooded at this point. Ms. Hamilton asked if he could get an ATV through there. Mr. Valyou said you could through the woods, but he could not stay on the right of way and get his ATV through there because it is overgrown with trees.

Mr. York asked if there is a house on either the Beliveau, Delam, or Neal properties now. Mr. Valyou said there is not a house on Beliveau; there is a house on Delam and on Smith's. Mr. York asked where. Mr. Valyou indicated the locations. Ms. Hamilton asked how big the camp would be. Mr. Valyou responded it would be smaller than 30' by 30'. Ms. Hamilton clarified there would be no water and no electricity. Mr. Valyou agreed there would be no water, noting there may be solar or a generator for electricity at some point. Mr. York asked about septic. Mr. Valyou responded there would be no septic, other than an outhouse or something of that nature.

Ms. Patrick stated this application is accompanied by a project review sheet from the Agency of Natural Resources; they signed off on the project saying no permit was required. She mentioned the Fire Department was required to comment, they did and said they are unable to provide services based on the condition of the right of way and how much he plans to improve it. She said the applicant knowingly understands that risk, noting he is an EMT and a firefighter, so there is a good understanding of what the risk is. Mr. King said for the record that is a criterion we have testimony about.

#### Public Comment

Mr. King explained the public comment process. Mr. Bernstein asked how far up Huckleberry Hill this is. Ms. Patrick indicated the location of Huckleberry Hill; the applicant is proposing a little lower in elevation than this top ridgeline and that is the area protected by our Natural Resources Overlay District.

Mr. Smith stated he owns the lot next to the right of way. He commented on the statement from the Fire Department, saying he believes just last year there was a small fire up in that general area which they were able to get up in there and put it out.

Mr. Neal asked whether the property Milo White Road is on is owned by the Town, or if it is a right of way across adjacent properties. He clarified that the dotted line on the right of way looks weird because it followed logging roads that were there at the time. He stated the fire that Mr. Smith mentioned was up in this vicinity, on the ledge, and the Fire Department went up to it. Mr. Neal discussed what he observed and the impact to the road by the Fire Department. He said at this present time it is his understanding, and the maps that he has shows, that Milo White Road ends at that corner, not where those mailboxes are located.

Mr. King asked Ms. Patrick if she is able to answer the question about the ownership of the road and right of way. Ms. Patrick responded that she was under the impression the Town owned the right of way, but she is not certain. She said per our discussion we had, the applicant spoke to the Road Foreman who mentioned the road was owned by the Town. Mr. Valyou clarified that Mr. Neal's point

was talking about my right of way, saying his point is there is an area the Town has taken over at some point, saying he has documentation that shows that there is a certain area considered a right of way that the Town has taken over. He said the right of way for the Jennings' lot and what he is proposing to do is a right of way off of the right of you are talking about.

Mr. King thanked the applicant saying he doesn't think it is relevant to this application. He stated he can't answer John's question exactly, discussing in general Town ownership and rights of way. He said he doesn't know about this one, but the Planning and Zoning people could probably find out. Ms. Patrick agreed that they can find out the answer.

Mr. Neal said the Guskea property, indicating his driveway and house on the map, saying his driveway comes off of this right of way and he has frontage on Milo White Road regardless of where it ends. He asked if the fact that his driveway is coming off of this right of way, which I did not give them permission to use, affect anything else that goes on up here. He said there is another landowner that was trying to build a house for his son and because of the number of lots off the private driveway it was a problem. Mr. Neal asked if this lot, with frontage on the Town road, affect that at all because his driveway isn't on the Town road.

Mr. King said he thinks he understands the question, but he doesn't think this hearing is the place to answer the question. He said you are asking about lot layouts and driveways on some parcels. Mr. Neal stated it is relative because it is a right of way serving another parcel. Mr. King asked Ms. Patrick which lots presently are fed by that right of way. Ms. Patrick said without seeing an orthographic photo she doesn't know, but there is no limit to the number of private driveways that are allowed to go off a right of way; there is a limit to the number of houses that are served by a private driveway. She said since each of these have their own driveways, it doesn't really fit the regulation. She stated this sounds like a question for the Town.

Mr. Neal said there is currently ten lots served by the private driveway, not counting the lot that we are talking about. Ms. Patrick said if the ownership is in question, that may be something to take up with the Town at another time. Mr. King stated there is a rule about how many houses can be served by a private driveway and if there are more than that it has to meet the public works specifications for a private road, that's the difference about how many are allowed. He said he can't answer the question about who owns what up in that corner and it is not relevant for this application. He said he doesn't hear any testimony that there is any problem with the deeded right of way that is part of the Jennings' parcel.

Ms. Patrick stated Bob Degos asked questions about whether the cabin would be for three or four season usage; whether there is any noise regulation on ATVs and snowmobiles up there; whether it would be rented out; about water; use of a wood stove, fire safety; and camp capacity. She said she ran the questions by the applicant before and he answered them. Mr. King clarified the answers meet the regulations. Ms. Patrick said camp capacity is mostly for his family, which is five. She stated he testified to his experience with fire safety, saying a chimney is a possibility. Mr. Valyou said it is hard, not knowing what the camp design is going to be, but if they have a stove it would certainly meet all the standards and precautions for fire prevention. Ms. Patrick said regarding noise, we do have performance standards for noise and light at the end of Section 11. She asked about usage. Mr. Valyou stated it would be used no more than 60 days a year, no more than three weeks in a row in accordance with the regulations. Ms. Patrick stated there was another letter from another abutter, Prelco, who did not have any problems with this application, but said there may be a boundary dispute at some point.

Mr. King closed the hearing, saying the applicant would receive a decision within 45 days, but it is usually sooner.

**3. A request by Clint Calderwood for a sketch plan review. This parcel is located at 95 Cilley Hill Road in the Agriculture Zoning District.**

Applicant's Presentation

Mr. Calderwood stated he owns it with Mr. Bullivant and they run a storage business, storing cars, equipment, and boats. He said they bought the property in 2006 and they are proposing adding a 40' by 30' barn on the property next to the existing old barn; noting the old barn has an adaptive conditional use. He said they would like to obtain conditional use for storage for the new barn. Mr. Calderwood stated it is a 2-acre lot, the whole lot is flat. He indicated the barn, which was built in the 50's. He said there is a 40' by 60' barn here that they store personal items in and he indicated the proposed barn.

Mr. Calderwood said they side with Donner Lane, saying originally they had shown a 25' setback, but they were made aware it needs to be 35' there, so they change it to meet all the setbacks. He stated they obtained this survey information from a survey done previously when the property was subdivided. He displayed a rendering showing the view from Cilley Hill Road and Donner Lane. Mr. Calderwood noted the trees and shrubs they would preserve, saying the extra 10' will help out. He said if there are any blank spots in there, they will make an effort to add trees and shrubs to screen this property from the residents on Donner Lane. He displayed a drawing of what the barn would look like, except it would be all red and they will match the other buildings.

Mr. Calderwood stated there will be no water, it is just an uninsulated building to put cars in for the winter season. He discussed the storage season, saying an additional use for this would be to store a number of items that are currently outside to clean up the property some more. Mr. Bullivant said they have done some screening and have added some trees in the back. He stated they are basically looking for additional storage space for vehicles. He said they do this for local customers in Jericho, giving them an opportunity to store their cars indoors during the winter. Mr. Calderwood noted the previous owner had obtained the conditional use; since they purchased it they have built up the business over time.

Board Questions

Mr. King asked Ms. Patrick to clarify the process for this after sketch plan review. Ms. Patrick responded that warehousing in the Agriculture District is conditional use and with the size over 1,000 square feet it also requires site plan approval. She said she included the previous activity in the staff report because there have been a lot of things going on with a small parcel. Mr. King clarified the proposal still meets the site coverage rule for this zone. Ms. Patrick agreed, saying the maximum lot coverage needs to stay under 30%; right now if the new barn is built they would be at around 13,560 square feet or about 1/6<sup>th</sup> of the property would be covered. Mr. Bullivant said that would be 16%.

Mr. York clarified there was originally one barn on the property. Mr. Bullivant agreed, saying the original barn was the 170' chicken coop, noting the location and that it is the original historic building. He stated in 2014 they added a 40' by 60' in the back of building. He said they chose the location at the back of the property because the end of the building isn't that slightly. Mr. York asked what the square is on the plan. Mr. Bullivant responded it is a right of way to a well between us and Burt's. He said he thinks they have since put in a well possibly over here and upgraded their septic in this area here.

Mr. York asked if there is any water on the property or septic. Mr. Bullivant said not currently, noting there are some old original plans that the previous owner had some engineering work to put a house site on the property, noting the location of two mound systems that were approved by the State. He discussed the plans for the house and limitations due to well shields in the area. Mr. York asked where else there are houses on that lane. Mr. Bullivant indicated the other homes on the photo. Mr. York clarified there is one house affected by the view. Mr. Bullivant said the view is of Mount Mansfield and it is not blocked at this point. Mr. York asked if the Davis Farm is across the street. Mr. Bullivant agreed, noting the other neighbors.

Mr. King asked regarding lot layout, where the driveways are now to access the existing barns and how you would extend that to access the new one. Mr. Calderwood indicated the location, saying it is grass and dirt now. He discussed the condition and how it is maintained when they are moving cars into or out of the barn. He stated they are not proposing putting any driveways in, just utilizing the existing terrain. Mr. King clarified that there is a curb cut they are using off of Cilley Hill Road. Mr. Bullivant agreed, indicating the location. He said it is a dirt driveway, they didn't put any sure pack down or anything. Mr. Calderwood and Mr. Bullivant discussed how the current buildings are accessed and efforts to clean up the property since they purchased it.

Ms. Hamilton clarified they are proposing roughly 30 cars in the new barn and some equipment that is on the lot. She asked how many pieces of equipment. Mr. Bullivant responded that there is existing today about six or seven cars and/or boats and a tractor that are sitting outside that will go in the building. Ms. Hamilton clarified the larger barn has about 45 vehicles in it. Mr. Calderwood agreed. Ms. Hamilton asked whether pick up and drop off is done by appointment, noting this would almost double the capacity. Mr. Bullivant responded they do it by appointment two weekends in the fall and the spring during nice weather. He noted the original permit for adaptive use allows something like a certain amount, like three, tractor trailer loads a day. He stated they don't even use what the conditional use is today. Ms. Patrick said she remembers seeing that in the documents.

Mr. Bullivant said the original owner had a packing material business. Ms. Patrick clarified that is no longer the case. Mr. Bullivant agreed. Ms. Patrick stated the original decision had a condition about the time of day for deliveries to be made, noting it was specific to tractor trailers. Mr. York asked if the proposed permit would have restrictions on access. Mr. King said that is the question; we are wondering about the effect on traffic and on road maintenance on Cilley Hill Road. He stated they do have a curb cut there whether it was ever officially designated as a curb cut or not, saying we should probably find out.

Mr. King said one of the things we are going to want to know is what is the present state of it and what are you proposing for hours of operation and such. He stated that will effect traffic and it will change the amount of effect on the neighbors. He said whatever they decide to apply for needs to be specific; noting there is criteria for the impact. Ms. Patrick asked if Mr. King was saying the original chicken coop wouldn't have had an access permit. Mr. King and Ms. Patrick discussed whether permits would have been issued at that time.

Mr. King stated we don't need it at sketch, but will want it as part of the documentation; adding we will need a specific proposal about traffic coming in and being routed on the property, including the volume. Mr. York said the question is whether we want to limit it and place a restriction on that property. Mr. King said that is why you have to apply for something specific because the restrictions will run with the land.



Mr. York asked if there is any lighting planned. Mr. Calderwood said they would probably run a line from an existing circuit underground for inside lights. Mr. York asked if the lights would be on at night. Mr. Bullivant responded no, saying they may need motion lights for insurance purposes. Mr. King said if they are going to do that, include it on the plan. He said that is one of the criteria we have to assess. Mr. Bullivant agreed.

Ms. Patrick discussed some of the history of the property, saying there was a violation relating to excess motor vehicles on the lot, noting we understand that is part of why you are building this. She discussed regulations relating to outdoor storage and display, including what is allowed within the setbacks. She said if you do get approved for this project and you are having people come in and out, consider building an access that is more appropriate for people to park.

Mr. York asked about signage. Mr. Bullivant said there are no signs, saying they try to keep it as passive and low key as possible. Mr. King stated he noticed in the application that you are at capacity, so you haven't needed to advertise or put up signage. Mr. Bullivant discussed access, noting it is limited. Mr. King commented that the Fire Department will likely take notice, they probably already do, and they will be asked to comment on the application. He said he suspects they will be very concerned with so many gas tanks inside a building. He suggested finding out what they can do, including building materials.

Mr. King noted the Fire Department will have good access, which is good. Ms. Hamilton asked about a hydrant. Mr. Bullivant said no, probably back on Route 15. Ms. Patrick said they might be able to use the pond. Mr. King noted this is sketch review, but the applicants will need to cover it in the application.

Mr. Bullivant asked if a more permanent driveway favored, or a more defined parking area; saying he though grass is better. Mr. King responded that less impact is certainly better, but he is not clear on whether from a road maintenance standpoint the Town would prefer a defined curb cut with a culvert or ramp to make sure that this site is not affecting the road maintenance. He said if there is no curb cut at this point and there doesn't need to be one, maybe it is moot; normally it is something we look at to make sure there is a road access permit that defines what is needed, noting some examples.

Mr. Calderwood discussed the current condition of the access, noting that water from the road drains onto their property. Ms. Patrick asked about any other drainage. Mr. Bullivant and Mr. Calderwood discussed water pooling in the front left hand corner of the property. Mr. King said, from the standpoint of this application, you need to describe what you are going to do and it has to meet the requirements. Ms. Patrick added there must be an access permit. She said we can check with the Highway Department. She and Mr. King discussed the matter further. Ms. Patrick read the conditions about the trucks in the original approval. Mr. Bullivant said there might have been some weight limits on the road. Mr. Calderwood said we are not even close to that.

Mr. King said he knows there is a rule they have to have road frontage, which they do; he knows there is a rule that if there is a driveway it has to be on the plat and it has to meet the public works specifications for driveways; but it doesn't say you have to have a driveway. Ms. Patrick noted it does say that proper access will be provided. Mr. King said given the number of trips being made there is a de facto driveway, the access from the public road to the barn is a driveway. He said it needs to meet the public works specifications, primarily a width thing, and there has to be an access permit. He stated presumably there already is one in place, but we need to know that.

Mr. Bullivant asked about the steps to take if there isn't one. Ms. Patrick said they would need to get one before they get a zoning permit, discussing the process. Mr. King stated typically we would condition a zoning permit on the access permit. Mr. York asked if they have to have parking. Ms. Patrick responded that with warehousing the minimum requirement is 0.5 spaces per 1,000 square feet, so it may have been assumed you are providing parking; it doesn't need to be delineated, there just needs to be space there for it.

Mr. York asked about the total square feet. Ms. Patrick responded about 13,000. Mr. King said there has to be space for eight cars on the lot. Ms. Patrick said they don't need to delineate the spaces on the lot, similar to residential. Mr. King asked if there has to be a handicap space for warehouse use. Ms. Patrick stated it is based on the parking standards. Mr. King said we don't have to answer that tonight, but noted what is required if a handicapped space is required.

Ms. Patrick said with the requirement of parking spaces, they will need around six; any parking serving non-residential use over five spaces requires a certain standard be met, which is on page 127. She discussed what is included in the requirements. Mr. York referred to Section 11.2.2.3. Ms. Patrick read from the regulations, discussing the implications. She said we wouldn't want to require more impervious than is necessary. Mr. King and Ms. Patrick discussed the parking requirements further.

Ms. Patrick asked if they have had any complaints from their neighbors recently. Mr. Bullivant and Mr. Calderwood discussed feedback from the neighbors and what steps they have taken to address concerns. Mr. Bullivant said he lives up the road as well, so he keeps an eye on it. Ms. Patrick asked whether they would keep the fence along Donner Lane. Mr. Bullivant said they could do either or, discussing the possibilities. Mr. Calderwood agreed, saying where the existing fence is works with the additional building.

Ms. Patrick noted the DRB can require screening and buffering for this type of use as well. She said they could require landscaping or the fence. Mr. King added that they would typically make sure the plans show the existing trees are retained, so we know that no more are needed. Mr. Bullivant discussed the options for screening. Mr. King stated the other reason why the site plan matters as far as where the designated parking area is located because we are trying to screen that. He discussed the natural placement screened with the established trees. Mr. Bullivant confirmed his understanding of the areas they need to work on. Ms. Patrick noted the general development standards are located in Section 11. Mr. King added that staff is available to help.

#### **4. Approve minutes from February 25, 2016.**

The DRB tabled approval of the minutes and agreed to approve them via e-mail.

Ms. Patrick discussed voting on the Chair and Vice Chair positions. Mr. King asked about the next meeting and discussed the current membership of the Board. He suggested waiting for full attendance to act on the positions, asking the members to think about who should serve in the roles and asking Ms. Patrick to add it to the next agenda. Ms. Patrick stated the next meeting would be on April 14, 2016, but there could potentially be a meeting on March 24<sup>th</sup> for a sketch review if an application is received. The DRB members discussed the remaining terms of the members.

The Development Review Board adjourned at 8:28 p.m.